Second Appeal No. 06 of 2006
WITH
Stay Appl. No. 1355 of 2006

Hon. P.C. Pant, J.

Heard.

This appeal is directed against the judgment and decree dated 20.01.2006 passed by First Additional District Judge, Udham Singh Nagar in Civil Appeal No. 26 of 2004 and one passed on 05.07.2004 by the trial court in original suit No. 124 of 1999 (from which the said appeal arose).

From the perusal of the impugned judgments, it is clear that the appellant is an unauthorized trespasser over the road side of the Government land. He has sought discretionary relief of injunction from the courts to be not evicted except due process of law. The courts below have rightly not exercised descretion in favour of the plaintiff who is an unauthorized occupant of a Government land. There is no substantial question of law involved in the case.

Therefore, the appeal is dismissed in limine.

Dt. 17.02.2006 (P.C. Pant, J.)
Sweta